

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

I. N., a minor, by and through her mother and *Guardian ad Litem*, Zarinah F.; J. B., a minor by and through his mother and *Guardian ad Litem*, Alisa B..

v.
Plaintiffs,

JENNIFER KENT, Director of the
Department of Health Care Services;
State of California DEPARTMENT OF
HEALTH CARE SERVICES,

Defendants.

Case No.: 3:18-cv-3099-WHA

CLASS ACTION

**[PROPOSED] JUDGMENT PURSUANT
TO CLASS ACTION SETTLEMENT
AGREEMENT**

Date: September 12, 2019

Time: 11:00 a.m.

Place: Courtroom 12, 19th Floor
Hon. William Alsup

Action Filed: May 24, 2018

1 This matter came before the Court on August 8, 2019 and September 12,
2 2019 for final approval of the class action settlement and Plaintiffs' motion for attorneys'
3 fees and costs. Full and adequate notice having been given to the Class as required in the
4 Court's Order Granting Preliminary Approval of Class Settlement, dated April 7, 2019
5 (ECF No. 107), and the Court having considered all papers filed and proceedings had
6 herein and otherwise being fully informed in the premises and good cause appearing
7 therefore, IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

8 1. The Court hereby APPROVES the settlement set forth in the Settlement
9 Agreement pursuant to Federal Rule of Civil Procedure 23 and finds that: (a) the
10 Settlement Agreement (ECF No. 102-1) and the settlement contained therein, are, in all
11 respects, fair, reasonable, and adequate, and in the best interest of the Class members; (b)
12 there was no collusion between or among the Parties in reaching the agreement set forth in
13 the Settlement Agreement; and (c) the Settlement Agreement was the product of informed,
14 arm's-length negotiations among competent counsel, with the assistance of Magistrate
15 Judge Jacqueline Scott Corley.

16 2. This Court has jurisdiction over the subject matter of the litigation and over
17 all parties to the litigation, including all Class members. For the purposes of this Judgment,
18 the term "Class member" refers to "All Medi-Cal beneficiaries who are EPSDT eligible
19 and for whom Medi-Cal Private Duty Nursing Services have been approved."

20 3. Judgment is entered pursuant to the terms of the Settlement Agreement
21 incorporated herein, as though fully set forth, and attached as Exhibit A to this Judgment.
22 The Parties are hereby directed to implement the Settlement Agreement according to its
23 terms and provisions.

24 4. The Court awards Class Counsel \$435,000 for attorneys' fees and costs
25 pursuant to the terms of the Settlement Agreement and Plaintiffs' Motion for Reasonable
26 Attorneys' Fees, Expenses, and Costs (ECF No. 110). Pursuant to paragraph 29 of the
27 Settlement Agreement, Defendants will remit to Disability Rights California the amount of
28 \$435,000. Two separate payments will be made according to the following schedule. The

1 first payment of \$217,500 will be remitted within 90 days of the date of the next available
2 appropriation or budget authority following this Judgment, pursuant to paragraph 29 of the
3 Settlement Agreement. The second payment of \$217,500 will be remitted within 90 days
4 of expiration of the Court's jurisdiction, as defined in paragraph 36 of the Settlement
5 Agreement. If applicable, interest will accrue according to the terms of the Settlement
6 Agreement, except that Defendants shall not owe interest for the period prior to the 91st
7 day following the expiration of the Court's jurisdiction, as defined in paragraph 36 of the
8 Settlement Agreement.

9 5. The Court hereby retains continuing jurisdiction pursuant to paragraph 36 of
10 the Settlement Agreement to enforce the terms of the agreement.

11 6. This Judgment is binding against all the Parties, their successors in office,
12 and their respective officers, agents and employees, and all others acting in concert with
13 them.

14 7. There is no just reason to delay the entry of this Judgment and immediate
15 entry by the Clerk of the Court is expressly directed.

16 8. The Court hereby sets a status conference for March 26, 2020 at 11:00 AM.
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18 **IT IS SO ORDERED, ADJUDGED, AND DECREED.**

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20 DATED: September 30, 2019.



Hon. William Alsup

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